

APPEAL NO. 020308
FILED MARCH 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 12, 2001, but reset to January 2, 2002. She determined that the defense of intoxication did not prevail, and that the appellant (claimant) had sustained a compensable injury on _____, but that he did not have disability as a result of that injury.

The claimant has apparently appealed, as reflected by an appeal document forwarded by the attorney for the respondent (carrier). However, there is no record of an appeal being filed by the claimant with the Texas Workers' Compensation Commission (Commission). The carrier responds that the decision should be affirmed.

DECISION

A timely appeal not having been filed, the decision of the hearing officer has become final.

The decision of the hearing officer was distributed on January 7, 2002. In accordance with Section 410.202(a) and (d), an appeal was due to be filed not later than January 30, 2002. The copy of the appeal was not forwarded until February 11, 2002, upon request from the Commission when a response was filed.

The appeal document forwarded shows in its certificate of service that it was sent to the Appeals Clerk for the Commission at "Post Office Box 17848, Austin, Texas 787609-7848 [sic]". However, as the cover letter for the decision and order states, appeals must be filed at "Post Office Box 40669, Austin, Texas 78704-0012." The post office box where the claimant's appeal was certified to have been sent was closed effective September 1, 2001, with no forwarding from that box for several months.

Because a timely appeal was not filed with the Commission, the decision of the hearing officer has become final and the Appeals Panel is without jurisdiction to consider the appeal. Section 410.169.

The true corporate name of the insurance carrier is **CLARENDON NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**UNITED STATES CORPORATION COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge